

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** 06/12/2012  
**POSITION:** Neutral

**BILL NUMBER:** SB 1299  
**AUTHOR:** Wright, Roderick

### **BILL SUMMARY:** Victims of crime: compensation.

This bill would increase the time period for which a victim of crime may file an application for compensation from one year to three years and limits the conditions for acceptance of applications beyond this time period. Additionally, this measure provides that reductions to maximum rates or service limitations are effective three months after the adoption of the reduction. Finally, this bill makes other technical changes to the California Victim Compensation Program (CalVCP) to conform to current practices.

### **FISCAL SUMMARY**

The Victim Compensation and Government Claims Board (Board) estimates that extending the filing period for a victim of crime to apply for compensation from one year to three years will allow the Board to accept 150 additional applications annually, resulting in additional annual benefit payments of approximately \$375,000 from the Restitution Fund. The Board indicates that the increase of \$375,000 is absorbable within the existing resources of the CalVCP, which typically pays out approximately \$95 million in benefits annually. Additionally, it is expected that this cost will be partially offset by reduced workload related to appeals of rejected late applications; however, the actual impact to workload and associated costs is unknown at this time.

### **COMMENTS**

The Department of Finance is neutral on this bill because it makes various changes to the CalVCP that simplify the administration of the program, streamline the appeals process, and makes the claim process easier to navigate for victims of crime seeking assistance.

Existing law:

- Requires that CalVCP applications for compensation be filed within one year of any of (1) an eligible crime; (2) a victim learning that a crime took place; or (3) a minor victim turning 18 years old.
- Provides criteria for accepting applications beyond the one year filing period, but indicates that consideration may be given for reasons other than those specified.
- Provides authority for the Board to modify maximum rates and service limitations for medical and mental health counseling expense by filing notice with the Secretary of State in lieu of promulgating regulations.

This bill would:

- Extend the CalVCP application filing period to three years, resulting in acceptance of approximately 150 more applications annually. The extended filing period accommodates victims sustaining monetary loss or requiring mental health services beyond the current one year application period.

Analyst/Principal (0241) J.Morozumi	Date	Program Budget Manager Lisa Ann Mangat	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS--(CONTINUED)****Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

Wright, Roderick

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**COMMENTS** (continued)

- Limit consideration for acceptance of applications beyond the three year filing period to instances of victims incurring emotional harm or pecuniary loss while testifying during the prosecution or in the punishment of the accused or convicted person, or when the convicted person is scheduled for a parole hearing or released from incarceration. This modification will help streamline CalVCP's appeals process and may reduce associated administrative costs.
- Require that any reduction in maximum rates or service limitations do not apply to expenses incurred within three months after the adoption of the change. This requirement will provide sufficient time for notification of rate and service changes to providers.
- Specify that a provider cannot charge a victim for any difference between the cost of a service and CalVCP's payment for that service.
- Requires mental health service payments be processed within an average of 90 days, consistent with medical and medical-related expenses.
- Expand the definition of "authorized victim representatives" to include county social workers representing child or elder abuse victims and specifies that, as an authorized victim representative, the social worker is not required to provide personal identification or sign a promise of repayment to the Board.

	SO	(Fiscal Impact by Fiscal Year)					
Code/Department	LA	(Dollars in Thousands)					
Agency or Revenue	CO	PROP					Fund
Type	RV	98	FC	2012-2013 FC	2013-2014 FC	2014-2015	Code
1870/VicCompGovCl	LA	No	C	188 C	375 C	375	0214
<u>Fund Code</u>			<u>Title</u>				
0214			Restitution Fund				